

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEVIN JEROME EASTER,
Petitioner,

v.

WARDEN ROBERT NEUSCHNID,
Respondent.

Case No. 19-07170 BLF (PR)

ORDER OF DISMISSAL

Petitioner filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Dkt. No. 1. On November 25, 2019, mail sent to Petitioner at Solano State Prison (“SSP”) by the Court was returned as undeliverable without any explanation. Dkt. No. 4. On December 4, 2019, mail was resent to Petitioner at SSP and returned on December 16, 2019, with a post office sticker stating, “Return to Sender; Refused; Unable to forward.” Dkt. No. 5. Additional court documents were sent on December 30, 2019 and January 29, 2020. Dkt. Nos. 6, 7, 10. On February 14, 2020, mail sent to the Petitioner at SSP was returned with the indication that Petitioner was “out to court.” Dkt. No. 11. To date, Petitioner has not communicated with the Court since filing this action.


Pursuant to Northern District Local Rule 3-11, a party proceeding *pro se* must promptly file a notice of change of address while an action is pending. *See* L.R. 3-11(a).

1 The Court may, without prejudice, dismiss a petition when: (1) mail directed to the *pro se*
2 party by the Court has been returned to the Court as not deliverable, and (2) the Court fails
3 to receive within sixty days of this return a written communication from the *pro se* party
4 indicating a current address. *See* L.R. 3-11(b).

5 More than sixty days have passed since the mail addressed to Petitioner was
6 returned as undeliverable. The Court has not received a notice from Petitioner of a new
7 address. Accordingly, the instant habeas petition is **DISMISSED** without prejudice
8 pursuant to Rule 3-11 of the Northern District Local Rules.

9 **IT IS SO ORDERED.**

10 Dated: May 6, 2020


BETH LABSON FREEMAN
United States District Judge

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Northern District of California